

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

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|-------------------------|---|-----------------------------|
| TONY ORLANDER WHITAKER, | : | |
| | : | |
| Petitioner, | : | |
| | : | |
| v. | : | CASE NO.: 1:09-CV-189 (WLS) |
| | : | |
| DON JARRIEL, Warden, | : | |
| | : | |
| Respondents. | : | |
| _____ | : | |

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed June 8, 2010. (Doc. 12). It is recommended that Respondent Warden's Motion to Dismiss (Doc. 9) be granted.

The Report and Recommendation provided the Parties with fourteen (14) days to file written objections to the recommendations therein. (Doc. 12). The period for objections expired on Tuesday, June 22, 2010;¹ no objections have been filed to date. (See Docket).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 12) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Respondent Warden's Motion to Dismiss (Doc. 9) is **GRANTED**, and Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED** as untimely.

SO ORDERED, this 30th day of August, 2010.

/s/ W. Louis Sands
**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**

¹ Pursuant to Federal Rule of Civil Procedure 6(a)(2).